UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1991/11
24 June 1991

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection of
Minorities
Forty-third session
Item 5 (a) of the provisional agenda

ELIMINATION OF RACIAL DISCRIMINATION

MEASURES TO COMBAT RACISM AND RACIAL DISCRIMINATION AND THE ROLE OF THE SUB-COMMISSION

Outline of ways and means necessary to increase the effectiveness of United Nations action to combat racism and racial discrimination

Note by the Secretary-General

Introduction

1. At its forty-second session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted resolution 1990/1 by which it expressed its concern that the principal objectives of the Decades to Combat Racism had not been attained and that the scourges of racism and racial discrimination were continually assuming new forms, requiring a periodic re-examination of the methods used to combat them. Convinced of the need for the proclamation by the General Assembly of a Third Decade to Control Racism, the Sub-Commission recommended that the General Assembly should take appropriate steps, in due course, to launch a third Decade to begin in 1993.

2. The Sub-Commission expressed its conviction that racism and racial discrimination, in whatever form, were intensified, inter alia, by conflicts over economic resources, in developed as well as developing countries, and could best be defeated by a combination of economic as well as legislative and educational measures, and reaffirmed that all human rights - economic, social

and cultural as well as civil and political - were indivisible and interrelated; it further recognized the need for more effective co-ordination between the Centre for Human Rights and operational activities for development, as well as the importance of activities aimed at directly assisting vulnerable groups to strengthen their participation in national economic, social and political life.

3. In the same resolution, the Sub-Commission requested the Secretary-General to consider ways and means necessary to respond to urgent situations and new trends involving racism and racial discrimination, in any part of the world, and to prepare an outline, for consideration by the Sub-Commission at its forty-third session, of possible activities for increasing the effectiveness of United Nations action to combat racism and racial discrimination, reflecting the principles contained in the resolution.

4. The purpose of the present note is to assist the Sub-Commission in formulating concrete proposals concerning activities aimed at increasing the effectiveness of United Nations action to combat racism and racial discrimination. It is intended to facilitate discussion on ways and means of responding to urgent situations and new trends involving racism and racial discrimination in any part of the world, in particular those affecting vulnerable groups.

Overview of contemporary forms of racism and racial discrimination

5. Some racial antagonisms around the world have long since taken on a permanent and political character; others are emerging or have been rekindled as a result of recent events. The following considerations may highlight the general issue of racism and racial discrimination as well as the present situation of those phenomena.

6. Although the target groups and specific circumstances vary with time and place, the underlying motivations and sentiments associated with racial prejudice, discrimination, intolerance and xenophobia remain fairly constant. Lack of security, whether in regard to cultural or national identity, economic or physical well-being or civil and political power with which to obtain the above, underlies most conflicts. Myths about racial or ethnic inferiority, cultural superiority or comparatively "advanced" stages of civilization are the rationalizations for injustices perpetrated in order to increase one group's security or comfort over another's. However, such myths become so ingrained in the socio-economic and political fabric that subsequent attempts to remove them are only superficially successful.

7. The manifestation of racist myths may be overt, as with the obvious example of apartheid, or they may appear to be neutral as is the case with some employment, housing, immigration and asylum policies which tend to impact most negatively on people who are distinguishable ethnically or by nationality.

8. New expressions of racism and racial discrimination should be analysed within the context of the circumstances affecting minorities, ethnic groups, migrant workers, indigenous populations, gypsies, immigrants and refugees. The result of the process of wealth and power transformation and generation, which have produced new conflicts along racial and ethnic lines, can be broadly sketched as follows:

(a) Intensified migration from Third World and Eastern European countries which suffer economic stagnation or recession towards centers of relative economic opportunity and/or political stability, mainly developed countries;

(b) Conflicts over economic resources, in developed as well as developing countries;

(c) Flows of refugees due to ethnic conflicts or political restructuring of poly-ethnic societies in socio-economic transition (Eastern Europe, Africa and Asia);

(d) Greatly heightened efforts, encouraged by international cooperation, on the part of indigenous populations to press their demands for recognition and compensation;

(e) Exacerbation of old racial conflicts and prejudices by racist groups which in some countries have gained power and legitimacy by election to public office;

(f) Increase in Western countries of racial discrimination such as that which occurred with respect to immigrants from the Middle East and North Africa during the Gulf War.

Urgent situations have close links with the above patterns. They may arise when ethnic conflicts or racial violence threatens the existence of a particular community and may cause regional or national disruption.

9. In order to strengthen United Nations action against racism and racial discrimination, the Sub-Commission may wish to consider the following activities to be undertaken (a) at the international and (b) at the national level.

Improving international action

1. Study of contemporary forms of racism and racial discrimination

10. Although there is a common awareness of the re-emergence of racism and racial discrimination, there is a need to conduct an in-depth study on the prevalence of those phenomena. The Sub-Commission could consider updating the special study of racial discrimination in the political, economic, social and cultural spheres prepared by the Special Rapporteur Mr. Hernán Santa Cruz and presented in 1976 (E/CN.4/Sub.2/370 and Add.1-6 and Add.6/Corr.1). The focus of the new study would be on assessing the achievements at the international and, especially, the national level, in different parts of the world, in the elimination of racial discrimination. The assessment would examine the level of enjoyment by different ethnic and racial groups of all categories of human rights: civil, political, economic, social and cultural. It would be useful to divide the assessment according to the main contexts in which discrimination is likely to occur: apartheid in transition, discrimination against indigenous peoples, situations affecting migrant workers and aliens, situations involving members of ethnic groups and specific historical and contemporary factors leading to racial discrimination and to situations based on fear and rejection of those who are different.

2. Monitoring apartheid in transition

11. The Sub-Commission may wish to examine the present situation in South Africa and evaluate the impact of its activities in the light of the new trends in the system of apartheid. Recently, there have been signs of an opening for change with the abolition of legal pillars of apartheid such as the Group Areas Act, the Land Areas Act and the Population Registration Act. Although there is reason to be hopeful that South Africa is moving away from the fringes and into the mainstream of the international community, a genuine period of transition may prove to be the most difficult and dangerous of all. Fierce political competition between political parties and ethnic groups has already generated bloodshed. A delicate balance must therefore be sought, both within and outside the country. The Sub-Commission may initiate a mechanism to advise and assist the parties concerned to bring an end to apartheid not only in law but also in fact.

3. Strengthening coordination within the United Nations system

12. The joint meeting of the Committee on the Elimination of Racial Discrimination (CERD) and the Sub-Commission should be held regularly to allow experts from both bodies to exchange views on the best ways to combat racism and racial discrimination.

13. The co-ordination function in the implementation of activities related to the Second Decade to Combat Racism and Racial Discrimination should be strengthened; more resources should be made available for this purpose to the Centre for Human Rights and for the implementation of the Programme of Action of the Second Decade to Combat Racism and Racial Discrimination. The Chairman of the Sub-Commission should attend the inter-agency meeting which is convened each year by the Co-ordinator for the Second Decade.

14. The Sub-Commission could examine the possibility of preparing, in collaboration with UNESCO, a programme of activities to be undertaken in the field of education and mass media to foster attitudes of equality and non-discrimination in Member States of the United Nations.

15. The Chairman of the Sub-Commission could be entrusted with the task of strengthening the relationship of the Sub-Commission with non-governmental organizations fighting against racism and racial discrimination by holding consultations and briefings with the NGOs. Such meetings could help them to initiate, develop and present proposals regarding the struggle against racism and racial discrimination.

16. The Sub-Commission could consider how to participate actively in the celebration, on 21 March each year, of the International Day for the Elimination of Racial Discrimination.

4. Promoting international standards

17. With regard to international instruments, the Sub-Commission could call upon States that have not yet done so to ratify and implement the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. The International Convention on the

Elimination of all Forms of Racial Discrimination, although having the greatest number of States parties, suffers from the lack of compliance with reporting obligations and from the low number of States that have acceded to article 14 which allows for individual communications with CERD. States Parties should be reminded of the necessity to comply with the letter and spirit of those conventions. The Sub-Commission may wish to consider ways and means of further strengthening the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.

18. The Sub-Commission could also encourage the work being done on the draft declarations on the rights of indigenous peoples and on the rights of persons belonging to national, ethnic, religious and linguistic minorities towards a speedy conclusion.

5. Contribution to the 1993 World Conference on Human Rights

19. The Sub-Commission could call upon the World Conference to reaffirm the moral fundamental statements embodied in the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and the International Convention on the Elimination of All Forms of Racial Discrimination, and call upon all States to affirm their commitment to a multicultural world.

20. The Sub-Commission could recommend to the World Conference on Human Rights that it should proclaim 1995 the International Year for the Promotion of Racial Harmony.

6. Establishing or improving contacts with regional organizations

21. The Sub-Commission could consider ways and means to involve regional organizations in the fights against racism and racial discrimination. For example, the European Parliament has tackled the problems of racism and xenophobia in Europe: it published in 1990 a report on racism and xenophobia and has organized many seminars and conferences on those subjects. The Sub-Commission could examine the possibility of cooperating with the European Parliament in organizing information campaigns at the European level to promote intercultural harmony.

22. Accession by the European Community as such to the International Convention on the Elimination of All Forms of Racial Discrimination, as recommended by the European Parliament in its 1990 report, should be encouraged by the Sub-Commission.

7. Seminars

23. The Sub-Commission could examine the possibility of convening in 1992 a global consultation of experts (lawyers, NGO's, police officers, etc.) dealing with racism, racial discrimination and xenophobia in their respective countries. The participants could discuss ways and means of reducing tensions between nationals of the host countries and migrant workers, refugees and ethnic groups. A comparative analysis of various domestic systems and conditions with regard to social facilities could be undertaken.

24. A seminar on ethnicity, nation building and human rights could also provide an opportunity for broadening knowledge of the causes of today's ethnic conflicts, and the participants could look for ways and means of solving them.

25. In cooperation with UNESCO, the Sub-Commission could support the organization of a seminar on the role of mass media in combating or disseminating racist ideas.

26. In cooperation with ILO, the possibility of organizing a seminar on the role of trade unions in combating racism and racial discrimination in employment could be explored.

Improving national action

27. States that have not yet done so should be encouraged to adopt and implement legislation prohibiting racism and racial discrimination.

28. The Sub-Commission may wish to explore ways in which its activities could produce the greatest impact at the national level. Possible action programmes could be elaborated to assist countries where new trends of racism and xenophobia are emerging.

29. The Sub-Commission could call upon States Members to review their national programmes to combat racial discrimination and its effects in order to identify and seize opportunities to close gaps between different groups, and especially to undertake housing, educational and employment programmes that have proved to be successful in combating racial discrimination and xenophobia.

30. The Sub-Commission may wish to propose specific activities that could be carried out by Governments and relevant national NGO's during the International Day for the Elimination of Racial Discrimination on 21 March each year. Support should be sought from artist as well as religious leaders, trade unions, enterprises and political parties to sensitize the population on the evils of racism and racial discrimination.

31. The Sub-Commission could recommend to States Members that they should encourage the participation of journalists from minority groups and immigrant and migrant worker communities in the mass media. Radio and television programmes should increase broadcasts produced by and in cooperation with minority groups, immigrants and migrant worker communities. Multicultural activities of the media should also be encouraged where they can contribute to the suppression of racism and xenophobia.

32. In the education sphere, member States should make particular efforts to:

(a) Promote the aim of non-discrimination in all educational programmes and policies;

(b) Give special attention to the civic education of teachers. They must be aware of the principles and essential content of the legal texts relevant to racism and racial discrimination and of how to deal with the problem of relations between children belonging to different communities;

(c) Teach contemporary history at an early age, presenting children with an accurate picture of the crimes committed by Fascist and totalitarian régimes, and more particularly of the crime of genocide;

(d) Ensure that curricula and textbooks should reflect anti-racist principles and promote intercultural education.

33. In considering the activities outlined above, the Sub-Commission may wish to take into account previous recommendations, studies and reports undertaken by various human rights bodies.